Word Music, LLC et al v. Priddis Music, Inc. et al Doc. 31

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE, TENNESSEE

WORD MUSIC, LLC., a Tennessee Limited Liability company, DAYSPRING MUSIC, LLC, a Tennessee Limited Liability Company, WORDSPRING MUSIC, LLC., a Tennessee Limited Liability company, UNICHAPPELL MUSIC, INC., a Delaware corporation, CHAPPELL & CO., INC., a Delaware corporation, COTILLION MUSIC, INC., a Delaware Corporation, RIGHTSONG MUSIC, INC., a Delaware Corporation, WALDEN MUSIC, INC., a New York Corporation, WARNER/TAMERLANE PUBLISHING CORP., a California corporation, and WB MUSIC CORP., a California corporation,

Plaintiff,

vs.-

PRIDDIS MUSIC, INC., a Nevada corporation, RICHARD L. PRIDDIS, individually, PROSOUND KARAOKE LTD., a United Kingdom corporation, MEDIOSTREAM, INC., a California corporation, d/b/a "K SUPERSTAR," D.J. MILLER MUSIC DISTRIBUTORS, INC., a Colorado corporation, d/b/a "PROSING," and DALE S. MILLER, Individually

Defendants.

Case No. 3:07-cv-502

JURY DEMAND

Judge Haynes

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, WORD MUSIC, LLC., a Tennessee Limited Liability Company, DAYSPRING MUSIC, LLC, a Tennessee Limited Liability Company, WORDSPRING MUSIC, LLC., a Tennessee Limited Liability company, UNICHAPPELL MUSIC, INC., a Delaware corporation, CHAPPELL & CO., INC., a Delaware

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corporation, COTILLION MUSIC, INC., a Delaware Corporation, RIGHTSONG MUSIC, INC., a Delaware Corporation, WALDEN MUSIC, INC., a New York Corporation, WARNER/TAMERLANE PUBLISHING CORP., a California corporation, and WB MUSIC CORP., a California corporation, ("Plaintiffs"), by and through their attorneys, Paul Harrison Stacey, Law Offices of Paul Harrison Stacey, P.C. and Timothy L. Warnock, Bowen, Riley, Warnock & Jacobson, PLC, move the Court to enter a Preliminary injunction enjoining the Defendants from manufacturing, distributing, advertising, selling or otherwise exploiting a musical compositions owned or administered by Plaintiffs without first obtaining a license authorizing the exploitation. As the Complaint, Declarations and Exhibits demonstrate, Plaintiffs are the owners and/or administrators of copyrights in numerous musical compositions. Copies of the Certificates of Copyright Registration or the applications for registration for these musical compositions are attached as Exhibit "A" to the DECLARATION OF KELLY L. ISENBERG filed contemporaneously herewith in support hereof.

Plaintiffs have never authorized Defendants to exploit these copyrighted musical compositions. In fact, notwithstanding repeated demands to cease and desist, the Defendants have manufactured, distributed, advertised and sold "karaoke" recordings which infringe Plaintiffs' rights and continue to do so at this time.

For the reasons set forth in the accompanying Memorandum, as well as the filed declarations of Kelly L. Isenberg, Dorothy D. Gibby, Paul Harrison Stacey, and Supplemental Declarations of Dorothy D. Gibby and Paul Harrison Stacey, Plaintiffs request that the Court enter a Preliminary Injunction prohibiting any further infringement of Plaintiffs' compositions.

Respectfully submitted,

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Attorneys for Plaintiffs,
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served electronically upon:

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And via Federal Express upon:

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this the 2nd day of July, 2007.

s/ Timothy L. Warnock